

31A-27a-204 Proceedings for expedited trial -- Continuance -- Evidence -- Discovery.

- (1)
 - (a) The receivership court shall proceed to hear the case on the petition to commence a formal delinquency proceeding:
 - (i) at the time and date set forth for trial;
 - (ii) without a jury; and
 - (iii) without unnecessary delay.
 - (b) To the extent practicable, the receivership court shall give precedence to the matter over all other matters.
 - (c) To the extent authorized by law, the receivership court may assign the matter to another judge if necessary to comply with the need for expedited proceedings under this chapter.
- (2) A continuance for trial shall be granted only in extreme circumstances.
- (3) The receivership court shall admit as self authenticated a certified copy of the following when offered by the commissioner:
 - (a) a financial statement made by the insurer or an affiliate;
 - (b) an examination report of the insurer or an affiliate made by or on behalf of the commissioner; or
 - (c) any other document filed with any insurance department by the insurer or an affiliate.
- (4) The facts contained in an examination report of the insurer or an affiliate made by or on behalf of the commissioner is presumed to be true as of the date of the hearing if the examination is made as of a date not more than 270 days before the day on which the petition is filed. The presumption:
 - (a) is rebuttable; and
 - (b) shifts the burden of production and persuasion to the insurer.
- (5) Discovery:
 - (a) is limited to grounds alleged in the petition; and
 - (b) shall be concluded on an expedited basis.

Enacted by Chapter 309, 2007 General Session